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No._____

IN THE

Supreme Court of the United States

October Term, 1982

THOMAS SHORTBULL,

Petitioner,

v.

STANLEY LOOKING ELK, et al.,

Respondent,

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

THOMAS SHORTBULL
P.O. Box 548
Pine Ridge, S.D. 57770

PRO SE

QUESTIONS PRESENTED

1. Do Indian citizens have a right to sue tribal officials in their individual capacities under 42 USC. §1985 (3) without these officials being immunized by tribal sovereign immunity under Santa Clara Pueblo v. Martinez, 436 U.S. 49 (1978).

2. Do tribal members who meet all qualifications for membership, but who have not been given a membership number, constitute a "class" under 42 UCS § 1985 (3) for purposes of voting and running for office in tribal elections.

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IN THE

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October Term, 1982

THOMAS SHORTBULL

Petitioner,

v.

STANLEY LOOKING ELK, et al,*

Respondents.,

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHT CIRCUIT

The petitioner Thomas Shortbull respectfully prays that a writ of certiorari issue to review the judgment and opinion of the United States Court of Appeals for the Eighth Circuit entered in this proceeding on May 3, 1982.

---

*Respondents included:
Stanley Looking Elk, Elijah Whirlwind Horse, James Mousseau, Ivan Bettelyoun, Marvin Amiotte, Gerald (Jump) Big Crow, Lyman Red Cloud, Delores Whitehead, Edgar High Whiteman, Gilbert Matthews, Dave Brewer, and Jerry Matthews.

OPINIONS BELOW

The opinion of the Court of Appeals, not yet reported, together with the unreported February 19, 1981 opinion of the United States District Court for the District of South Dakota, Western Division which it affirmed, appear in Appendices A and B.

JURISDICTION

The judgment of the Court of Appeals for the Eighth Circuit was entered on May 3, 1982. This Court's jurisdiction is invoked under 28 U.S.C.§1254 (1).

STATUTORY PROVISIONS INVOLVED

United States Code, Title 42:
§1985 (3) Conspiracy to interfer with civil rights.

> If two or more persons in any State or Territory conspire or go in disguise on the highways or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocay in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for

President or Vice President, or an a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do or cause to be done, any act in futherance of this object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

STATEMENT OF THE CASE

This case revolves around the question as to when do Indian people become tribal members. Do Indian people become tribal members when they meet the constitutional requirements of membership, or when they receive a Bureau of Indian Affairs Census number?

Petitioner has always maintained that he became a member of the Oglala Tribe at his birth, but due to the uncertainty of Bureau of Indian Affairs officials as to who qualified under the provisions of the Tribal Constitution, petitioner did not have a Census number when he sought office in the Oglala Sioux Tribal Primary Election.

In order to understand this case, it is necessary to have a historical perspective of tribal membership on the Pine Ridge Reservation.

Prior to 1935, the BIA followed the following procedure in issuing Census numbers based on how reservation land was owned. With those Indian people who were allotted 160 acres or more up until the early 1900's, these tribal members received an A number meaning that they had been allotted land. Those tribal members who were not allotted land received a U number meaning unallotted. Therefore, prior to 1935, those reservation people who were members of the Tribe were those who had A and U numbers.

When the Oglala Tribe was incorporated under the Indian Reorganization in 1935, the Constitution provided for membership as follows:

> Section 1----The membership of the Oglala Sioux Tribe shall consist as follows:
>
> (a) All persons whose names appear on the official census roll of the Oglala Sioux Tribe of the Pine Ridge Reservation as of April 1, 1935.....
>
> (b) All children born to any member of the tribe who is a resident at the time of birth of said children.

With the adoption of the Tribal Constitution, the responsibility of the membership rolls was the Tribe's not the BIA.

However, as the Oglala Sioux Tribe did not provide for its own Enrollment Office until 1979, the BIA continued its own system of Census numbers which the Tribe utilized in lieu of its own system. The Bureau of Indian Affairs without tribal directive decided that the way they would interpret residency for Census purposes would be for all children born on the reservation to receive U numbers which was construed as membership. With those children born off the reservation, they received an NE number with the initials meaning not enrolled. However, the Bureau's position was not that these children were non-enrollees, but rather the classification meant that the children were potentially members of the Tribe but the BIA would not give them U numbers until the Tribe interpreted residency to them.

As the BIA's system of issuing numbers was for Census purposes only, no one had been officially enrolled under Section 1 (b) of the Constitution including those with a U numbers born since 1935 who were however entitled to tribal rights.

As the Tribal Constitution did not state that a parent must physically reside on the reservation, it was petitioner's position that the common law definition of residency should be the yardstick in determining who were members of the Oglala Tribe. Therefore, petitioner maintained that parents who were temporarily away from the reservation still maintained a residency on the reservation and their children were members of the Tribe.

Petitioner was one of the approximately 5,000 members who were classified as NEs, because their birth was off the reservation. Petitioner was born on December 4, 1946, to Norman and Grace Shortbull at Igloo, South Dakota, while they were employed there at the United States Army Depot. Norman Shortbull, the father, had been at all times a duly enrolled member of the Oglala Tribe.

Since 1935, the Oglala Tribe has experienced difficulties in deciding on whether to extend rights to the class of tribal children listed as NEs. The result of this uncertainty led different tribal administrations to allow the NEs the right to vote and run in some tribal elections, or in other elections to be denied such rights. In the 1976 Tribal Election, an NE candidate was allowed to run for the Tribal Vice Presidency. Therefore, even in the 1980 Primary Election, no one knew for sure if the NEs would be allowed the right to run and vote in the election.

In the 1980 Primary Election, petitioner's claim to run and vote in the primary was strengthened by the enactment of Ordinance 79-08 passed in June 1979 which set out the criteria for meeting residency unde Section 1 (b) of the Tribal Constitution. (See Appendix 4a and 5a). Ordinance 79-08 acknowledged that all children born since

1935 including those with U numbers had not been enrolled by the BIA's issuance of Census numbers as the first priority of the Enrollment ordinance was to publish a preliminary list of people with U numbers who would become members if no challenges were filed during the 90 days of review throughout the reservation.

As petitioner's position was that he was vested with a tribal right to enrollment under Ordinance 79-08 as he met the requirements under Section a, d, and e, petitioner submitted his petition for Tribal President on January 9, 1980. Additionally, a Tribal Council meeting on January 9, 1980 passed a motion to allow NEs to vote and run for office in the Primary Election.

However, the Election Board refused to certify petitioner on the grounds that a temporary enrollment committee was a requirement of the January 9th Council meeting as the Tribe had not yet formed a functioning enrollment committee.

Since the overall intent of the January 9th Council meeting was to allow NEs the right to vote and run for office, petitioner filed a writ of mandamus in tribal court on the grounds that the Council action was unclear as to how the NEs could be certified to run and vote in the Primary Election.

After recessing the first tribal court proceeding on January 17, 1980 due to respondents not being represented by counsel, the tribal court was rescheduled to January 21, 1980. A tribal council meeting was held on January 18, 1980 in which the authorization for NEs to vote and run for tribal office was rescinded. The tribal council meeting was scheduled without giving notice to all councilmen, and

councilmen who had voiced support of allowing NEs to vote and run for tribal office at the January 9th council meeting were suspiciously not informed of the Council meeting on January 18, 1980. Thus began the conspiratorial efforts on the part of some of the defendants for this action was illegal as the Tribal Court Code provided that the Tribal Council could not interfere with an issue before the Tribal Court.

After receiving an assurance from respondents in Tribal Court that his job would not be in jeopardy based on whatever ruling he made in petitioner's case, Judge Clyde Red Shirt issued a memorandum opinion that he would issue a temporary injunction unless the matter was reconsidered at a January 24th Council meeting.

At the January 24th Council meeting, a resolution was passed that ordered petitioner to be certified as a candidate for Tribal President in the 1980 Primary Election, and also a resolution was passed allowing NEs to vote in the election. Full discussion took place concerning petitioner and the requirements for tribal membership at the January 24th Council meeting.

On January 29, 1980, a council meeting was held and a motion was passed "To uphold the Constitution and By-Laws of the Oglala Sioux Tribe and support the decisions of the Election Board." No specific motion to rescind the petitioner's authorization to run for office was considered by the tribal council.

On January 30, 1980, a hearing in tribal court was held on the Findings of Fact and Conclusions of Law on Judge Red Shirt's Memorandum Opinion of January 24, 1980. In the hearing, Judge Red Shirt inquired as to what

action was being taken to place petitioner on the primary ballot. Respondents attempted to introduce and assert that the January 29th motion recinded the council order to certify appellant, but Judge Red Shirt ruled against the motion as no specific language for rescission existed in the Janaury 29th motion. From the bench Judge Red Shirt issued his Writ of Mandamus requiring that the Election Board place petitioner on the 1980 Primary ballot, and held he was a member of the Oglala Sioux Tribe based on the full discussion of petitioner's circumstances before the January 24th tribal council meeting. Election Board Chairman acknowledged the Judge's order by responding that the Election Board had no choice but to certify petitioner.

On February 1, 1980, at 10:00 A.M., the Executive Committee advised Judge Red Shirt to rescind his actions that placed petitioner on the Primary ballot or the Tribal Chairman would go for his suspension.

On February 1, 1980, Chief Judge Red Shirt ruled that respondents excluding Delores Whitehead were in contempt of court for failing to place petitioner on the Tribal ballot. With contempt proceedings facing the tribal officials, they suspended Judge Red Shirt and replaced him with Delores Whitehead. Judge Whitehead quashed Judge Red Shirt's orders, and petitioner was unable to run for Tribal President on February 5, 1980. Judge Red

Shirt's suspension was illegal for the Tribal Court Code provided that a hearing must be given to a suspended judge to answer charges, and there must exist just cause to suspend a tribal judge. No hearing or formal charges were presented against Judge Red Shirt prior to his suspension. Judge Red Shirt was eventually fired by the Tribal Council for making what they thought was an unconstitutional decision.

On March 17, 1980 petitioner brought a civil action against respondencts under 42 U.S.C. § 1985 (3). Petitioner sought damages incurred in his attempt to run for tribal office by the illegal conspiratorial efforts of respondents in denying him the right to run for office. This cause of action was allowable under the federal statute, because petitioner was denied the right to run for office based on his membership in a class who were invidiously discriminated against by the BIA's unconstitutional denial of a Census number when he met all qualifications of tribal membership.

On February 19, 1981, District Judge Andrew Bogue ruled for respondents motion to dismiss for summary judgment pursuant to Rule 12 (b) of the Federal Rules of Civil Procedure. The District Court ruled that petitioner's political opposition to the respondents was not class based, and that the NEs were not an invidious discriminatory classification, because under Santa Clara Pueblo v Martinez, 436 U.S. 49, 72 N 32, 98 S. Ct. 1670, 56 L. Ed. 2d 101 (1978), the Indian tribes have a right to determine its own membership.

Although the Appeals Court noted that petitioner had no remedy within the tribal machinery, the Eighth Circuit Court of Appeals on May 3, 1982 affirmed the decision of

the District Court by holding that petitioner did not meet the class based invidious discriminatory animus as required in Griffin v Breckenridge, 403 U.S. 88, 91 S. Ct. 1790, 29 L. Ed. 2d 338 (1971).

REASONS FOR GRANTING THE WRIT

1. TRIBAL MEMBERS WHO HAVE BEEN UNCONSTITUTIONALLY DENIED A MEMBERSHIP NUMBER CONSTITUTE A CLASS UNDER 42 U.S.C. 1985 (3)

The right of tribal members to utilize 42 U.S.C. 1985 (3) was affirmed in the case of Means v Wilson, 522 F. 2d 833 (8th Cir.), cert. denied, 424 U. S. 958, 96 S. Ct. 1436, 47 L. Ed. 2d 364 (1975). A cause of action in Means was met under the requirement of a class based animus, because "defendents conspired and did overt acts in futherance of a conspiracy to deprive the plaintiff of their right to vote because they were supporters of plaintiff Means and members of the American Indian Movement." Id. at 839. The Eighth Circuit held that "(t)he group of plaintiffs in this case, by their affirmative acts of supporting plaintiff Means and the American Indian Movement and attempting to oust Wilson as their Council President, were a class against who, according to the allegations of their complaint, the defendants discriminated against because of their class membership." Id. at 840 (footnote omitted)

In Griffin v Brekenridge, 403 U.S. 88, 91 S. Ct. 1790, 29 L. Ed. 2d 338 (1971), the Supreme Court established the following four basic elements necessary to state a cause of action under 42 U.S.C. 1985 (3): (1) a conspiracy, (2) for the purpose of depriving any persons or class of per-

sons of the equal protection of the laws, (3) an act in furtherance of the conspiracy, and (4) resulting injury or the deprivation of any right or priviledge of a citizen of the United States. Id. at 102-103.

In this case, the District Court held that a factual issue was raised within elements 1, 3, and 4 of the Griffin Test. However, in regard to element 2 of the Griffin Test, there was no conceivable set of facts which could support a recovery for petitioner for no class based animus existed as the tribe had the right to determine its own membership.

The first question to be answered in this writ is whether the classification of NEs on the Pine Ridge Reservation constitute a class under 42 U.S.C. 1985(3), and this must be answered in the affirmative for these reasons.

First, the NE classification constituted a class who were invidiously discriminated for they were a class who were members of the Oglala Tribe, but because the Bureau of Indian Affairs had not given these people Census numbers, they were denied the rights that their membership entailed such as the right to vote and run for office.

Petitioner understands the reluctance of the District Court and the Eighth Circuit Court of Appeals to find that the NEs constitute a class where there is no official certification of membership in light of Santa Clara Pueblo v Martinez. 436 U.S. 49 (1978). However, what petitioner has alleged for himself and other NEs that they always met the requirements of membership has recently been confirmed by the issuance of a U number to petitioner on June 28, 1982 by the Tribal Enrollment Committee. (See Appendix 1c). Other NEs have also recently been issued U

numbers by the Enrollment Committee. The Enrollment Committee has continued the BIA practice of issuing U numbers.

If in fact the NEs were not members of the Tribe, it would have required a constitutional amendment to the Tribal Constitution to allow for their membership. However, it was only a tribal ordinance passed in June 1979 that clarified the residency requirement that has now allowed the tribal members who were listed with an NE number to now have U numbers. The sad fact is that the NEs were denied tribal membership rights, because of the bureaucratic incompetency of the Bureau of Indian Affairs Census Office who arbitrarily and capriously gave NE classifications because they did not know if residency extended to those children born off the reservation.

Petitioner would inquire as to when a citizen becomes a United States citizen, and the answer is that he becomes a citizen at his birth when meeting the requirements of the U.S. Constitution. Likewise with petitioner, his membership began with his birth for he met the constitutional requirements of tribal membership.

Additionally, the fact that the NEs were allowed on some occassions to run and vote in tribal election and other elections were denied shows the invidious discriminatory animus towards the NE class.

Secondly, even if at the time of the 1980 Primary Election, it could be argued that petitioner was not entitled to run as he did not have a U number, the action of the Tribal Council on January 24th to allow petitioner to run for Tribal President and NEs to vote in the Tribal Election made them legal participants in the election process. The

Tribal Council allowed for the participation of NEs in this election, because the Tribal Constitution does not provide that people have U numbers, but only that they be members of the tribe. In essence, the Tribal Council concluded that the NEs met the constitutional requirements of membership.

Respondents will argue that the January 24th Tribal Council action was rescinded by a motion adopted by the Council on January 29, 1980 which provided for "the Tribal Council body to uphold the Constitution and By-Laws and Election Ordinance, and also uphold the decisions of the Election Board." The Chief Judge of the Tribal Court when faced with this issue held the motion had no effect as no specific language for rescission existed in the January 29th motion. Federal Courts without exception require that the members of the tribe must abide by the Tribal Constitution and Ordinances. Williams v. Sisseton - Wahpeton Sioux Tribal Council, 387 F. Supp. 1194. It is stated federal policy that intra-tribal controversies must be governed by adhering to tribal laws that have been passed by Tribal Councils. Keith, et al. v Oglala Sioux Tribe, et al, Civ. No. 76-5004 (D.S.D. April 30, 1976). Also, see Rosebud Sioux Tribe v. Driving Hawk, 407 F. Supp. 1197 (D.S.D. 1976) for a further discussion of this rule. The petitioner would only ask the Court to imagine how many federal laws would be left standing if such vague language were used in repealing federal laws.

The invidious discriminatory animus in this case lies with the circumstances that you had two classes on the Pine Ridge Reservation with one class having U numbers and enjoying tribal rights based on that classification even though Ordinance 79-08 held that those children born since 1935 with U numbers had not been officially enrolled

and they must be enrolled under the ordinance. However, the other class who were also members of the Tribe and were entitled to participation based on the January 24th Council action were denied the rights to run for office and vote in the election because they been incorrectly been given the classification of NEs by BIA officials. Although the NEs and petitioner were entitled to legal participation in the 1980 Primary Election, petitioner was denied such rights based on his membership in the NE class as this was the justification given to petitioner by the Election Board for not placing his name on the Ballot. Surely, this is the type of case that was envisioned by the enactment of 42 U.S.C.§ 1985 (3).

The Eighth Circuit and the District Court have erred in viewing the statement in the complaint "and his political opposition to said defendents" as a basis for meeting the requirements of the class based animus. (See Appendix 9a). This statement was included in the amended complaint from the one that was filed on February 11, 1980 against the March 11, 1980 Tribal General Election. In denying the temporary injunction, Judge Donald J. Porter of the Central Division of the District of South Dakota held that the complaint must state that the illegal acts were carried out in furtherance of their cause. See Indian Political Action Committee v. Tribal Executive Committee, 416 F. Supp. 655 (D. Minnesota 1976). Although there is no way to know for sure, it is conseivable that petitioner would have received some of the NEs votes if they were allowed to vote in the 1980 Primary Election. Petitioner would have received some of the NE votes for he had fought for their right to vote before the Tribal Council. Therefore, the statement in the complaint as to petitioner's political opposition to defendents was not a statement for a basis of meeting the class based animus, but

rather was to show how the respondents acted in furtherance of their own cause.

The fault with this case may lie in a better prepared complaint. However, in Means v. Wilson. 522 F. 2d 833, the Eighth Circuit held "the complaint sufficiently alledges all of these facts in one way or another no matter how inartfully done and states a claim under 42 U.S.C. 1985 (3).

Petitioner maintains that the Eighth Circuit erred in affirming the District Court's issuance of a summary judgment in this case. Clearly, enough questions have been raised in this writ that petitioner meets the requirement of a class based animus under 42 U.S.C. 1985 (3), and a trial jury should have been allowed to decide the issues in this case without summary judgment being issued.

2. TRIBAL OFFICIALS SHOULD NOT BE IMMUNE FROM CIVIL ACTION IN THEIR INDIVIDUAL CAPACITIES BY TRIBAL SOVEREIGN IMMUNITY GAINED FROM SANTA CLARA PUEBLO V. MARTINEZ, 436 U.S. 49 (1978)

In the Martinez decision, the Supreme Court held that declaratory and injunctive relief by the federal courts would not be available to tribal members for violations of civil rights under Title 1 of the Indian Civil Rights of 1968 (ICRA) 25 U.S.C. § 1301-1303 (1970). The Supreme Court reasoned that allowing Indian citizens the right of federal court relief was counter to Congress's goal of protecting the internal sovereignty of Indian tribes. The Supreme Court in Martinez stated, "creation of the Federal cause of action for the enforcement in Title I, however useful it might be in securing compliance with §

1302, plainly would be at odds with the Congressional goal of protecting tribal self-government", 436 U.S 49, 64.

Petitioner does not intend to argue against the ruling in the Martinez decision, but rather brings this writ on language in Martinez that suggests that tribal officials are not immune from civil actions in their individual capacities. As the Court observed in Martinez:

"As an officer of the Pueblo, petitioner Lucario Padilla is not protected by the tribe's immunity from suit. See Puyallup Tribe, Inc. v. Washington Department of Game, 433 U.S. at 171-172; Compare Ex Parte Young, 209 U.S. 123 (1908).

This clearly supports the proposition that tribal officials can be sued in their individual capacities under 42 U.S.C. 1985 (3).

Petitioner understands the Supreme Court's desire to protect internal sovereignty by allowing tribal forums to be developed and stregthened to resolve tribal civil rights violations. However, in this case, the Martinez decision did not produce the hoped for forum for relief of civil rights violations. In fact, the respondents manipulated their own tribal court system to their own advantage so as to deny petitioner the right to run for Tribal President in the 1980 Tribal Election, and gained for themselves a political advantage in the election.

When a Chief Judge of an Indian Tribe can be suspended and eventually fired for making a decision that was contrary to the wishes of tribal officials, then there exists no forum for a resolution of petitioner's civil rights violation. The concern for no remedy of civil rights viola-

tions was expressed by the Eighth Circuit in petitioner's case:

> We are thus presented with a situation in which Shortbull has no remedy within the tribal machinery nor with the tribal officals in whose election he cannot participate, compare Dry Creek Lodge, Inc. v. Arapahoe & Shoshone Tribes 623 F. 2d 682, 685 (10th Cir. 1980), cert; denied, 449 UY.S. 1118, 101 S. Ct. 931, 66 L. Ed. 2d 847 (1981), unless and until Congress provides otherwise. See Santa Clara Pueblo v. Martinez, 436 U.S. at 72. We question whether such a result is justified on the ground of maintaining tribal autonomy and self-government: it frustrates the ICRA's purpose of "protecting individual Indian from arbitrary and unjust action of tribal government, "and in this case it renders the rights provided by the ICRA meaningless. Id. at 73, 83 (citations omitted) (J. White, dissenting).

Additionally, respondent have argues in their briefs to the District Court and the Eighth Circuit Court of Appeals that petitioner had not exhausted his rememdies through the Tribal Court process. However, when the respondents are allowed to replace the suspended Chief Judge with their own choice for Chief Judge and when two of the respondents also sit on the Tribal Appellate Court, it is ludicrous to believe that justice could be served through such a system.

A similar case as petitioner is presenting in this writ was considered by the Tenth Circuit in Dry Creek Lodge, Inc. v Arapahoe & Shoshone Tribes, 623 F. 2d 682, (10th

Circuit, 1980), cert. denied, 449 U.S. 1118, 101 S. Ct. 931, 66 L. Ed. 2d 847 (1981). The Tenth Circuit held that were no tribal forum for relief existed for non-Indian litigants, that the federal court system would be available to them. Surely, petitioner should be entitled to the same relief given to non-Indians in Dry Creek.

Petitioner seeks in this case for tribal officials to not be allowed to operate above the law for when on January 24, 1980, the Tribal Council certified petitioner as a candidate for Tribal President, the law of the Oglala Tribe was that petitioner was a candidate for Tribal President and NEs could vote in the election. This case is in accordance with Martinez for it seeks to have tribal officials follow their own laws as mandated in the January 24th Council action, and to prevent individuals from being immuned from judicial review in their individual capacitiies through illegal conspiracies as found in 42 U.S.C. 1985 (3). To hold otherwise, would be to say that unscrupulous individuals can with impunity subvert their own tribal court process for purely political reasons and place the Federal Government in a position to aid and abet in the denial of Constitutional rights to one of its citizens.

As petitioner has previously stated, he is not in opposition to the ruling in Martinez. However, the Supreme Court must be aware that in this country only a very few Indian tribes provide for a separation of powers for its judicial branch. Therefore, most Chief Judges owe their allegiance to the Tribal officials who appoint them, and can be removed at the whim of these officals. There then exists the potential for individual civil rights to be violated with no forum for relief at the tribal level.

Petitioner is not asking that tribal members have the right of declaratory and injunctive relief for violations of the Indian Civil Rights Act. However, petitioner humbly prays that where tribal officials have placed themselves above the law and lost the protection of their official position through illegal conspiracies that they be subject to federal court review under 42 U.S.C. §1985 (3).

CONCLUSION

For these reasons, a writ of certiorari should issue to review the judgment and opinion of the Eighth Circuit.

Respectfully submitted,
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PRO SE